The Project for Repealing the Penal Laws *and* Tests, *with the Honorable Means used to effect it. . Being a Preface to a Treatise concerning the* Penal Laws *and* Tests.

IT is now some years since the noble Enterprize of Removing the *Penal Laws* and *Tests*, has been carried on by incredible Vigor and Application; and yet to the *great Grief* of the *Catholick Undertakers*, the Success does not hitherto seem to answer the measure of their Diligence or Expectation. All sorts of Men, and all kinds of Arguments have been tried, and yet it is scarce to be perceived that the *Cause* is any thing advanced. The *Church* of *England Men* had the Honor of the first Sollicitation; and the *Nobility* and *Gentry* of that *Communion*, in consideration of *Former Services*, such as the *Western Action*, &c. had the offer of *ingrossing* to themselves the *sole Merit* and *Glory* of *Betraying* their *Religion* and *Country*: the *Court Arguments* of *Honor* and *Profit*, heretofore accounted *irresistible*, were not wanting on this occasion. But this had no other Effect than the *innumerable Vacancies* of *Civil* and *Military Employments* that fell upon those *stiff Gentlemen* as a *Judgment* for their *refusal*. And *some*, whose *whole Subsistence* depended upon the *Court*, chose rather to be *deprived* of all, and to be *reduced* from some of the *chief Places* of the *Kingdom*, to the *utmost hardships* of *Life*, than to *join* in this *warlike Enterprize* against the *Laws*. The *Clergy* who now seem to be in a state of *Reprobation*, were *smil'd upon* as long as the *Court* had any *hopes* of them, and offer'd this great *grace* of *ruining* their *own Church*: and to *encourage* them to this *pious Work*, *Preferments* were promised; and because none of any *Reputation* could be gain'd, the *Black-Guard* of the *Church* is call'd *up Stairs*, and *admitted* to the *Closet*, and *Dung-hills* are raked for *Vermin* to *stink* Men out of the *Church*. *Saul* was in great distress, when for want of a *Prophet*, he put his *Questions* to the *Devil*; for my part I cannot but look upon it as direct *Necromancy* to consult Bishop *Talgol*, since by the *smell* of the *Carrion*, it must be concluded to be more than *four* days *dead*; and it is not doubted by Men *curious* in *secret Sciences*, but that the *Devil* has somewhere or other robb'd a *Gibbet* to furnish this *apparition* of a *Prelat*.

When the *Nobility* and *Clergy* declin'd this *Romantick Adventure* against the *Laws*, a *Press* goes forth upon the *Commonalty*; in *Corporations* this was the Word, *Give up the* Penal Laws *or your* Charter, *and Mr. Alderman, lay aside the* Test *or your Fur-Gown*. Nay this diligence descended so low, and grew so minute, that a *blind Alehouse* could not escape the *Questions*; *Why should any one enjoy a* Royal Licence *to draw Ale, that would not stand by the* Prerogative *and* Dispensing Power? Yet after all, the success of this admirable negotiation was so unsatisfactory, that *B. H.* swore to his *Landlord* at *Winchester*, *That the Disobedience of his Bretbren of the* Blue Apron *had brought upon them the* Proclamation *against* Debauchery. Nay, so great was the *Condescension*, as not to pass by the very *Goals*:

The Project for Repealing the Penal Laws *and* Tests, *with the Honorable Means used to effect it. . Being a Preface to a Treatise concerning the* Penal Laws *and* Tests.

IT is now some years since the noble Enterprize of Removing the *Penal Laws* and *Tests*, has been carried on by incredible Vigor and Application; and yet to the *great Grief* of the *Catholick Undertakers* the Success does not hitherto seem to answer the measure of their Diligence or Expectation. All sorts of Men, and all kinds of Arguments have been tried, and yet it is scarce to be perceived that the *Cause* is any thing advanced. The *Church* of *England Men* had the Honor of the first Sollicitation; and the *Nobility* and *Gentry* of that *Communion*, in consideration of *Former Services*, such as the *Western Action*, &c. had the offer of *ingrossing* to themselves the *sole Merit* and *Glory* of *Betraying* their *Religion* and *Country*: the *Court Arguments* of *Honor* and *Profit*, heretofore accounted *irresistible*, were not wanting on this occasion. But this had no other Effect than the *innumerable Vacancies* of *Civil* and *Military Employments* that fell upon those *stiff Gentlemen* as a *Judgment* for their *refusal*. And *some*, whose *whole Subsistence* depended upon the *Court*, chose rather to be *deprived* of all, and to be *reduced* from some of the *chief Places* of the *Kingdom*, to the *utmost hardships* of *Life*, than to *join* in this *warlike Enterprize* against the *Laws*. The *Clergy* who now seem to be in a state of *Reprobation*, were *smil'd upon* as long as the *Court* had any *hopes* of them, and offer'd this great *grace* of *ruining* their *own Church*: and to *encourage* them to this *pious Work*, *Preferments* were promised; and because none of any *Reputation* could be gain'd, the *Black-Guard* of the *Church* is call'd *up Stairs*, and *admitted* to the *Closet*, and *Dung-hills* are raked for *Vermin* to *stink* Men out of the *Church*. *Saul* was in great distress, when for want of a *Prophet*, he put his *Questions* to the *Devil*; for my part I cannot but look upon it as direct *Necromancy* to consult Bishop *Talgol*, since by the *smell* of the *Carrion*, it must be concluded to be more than *four* days *dead*; and it is not doubted by Men *curious* in *secret Sciences*, but that the *Devil* has somewhere or other robb'd a *Gibbet* to furnish this *apparition* of a *Prelat*.

When the *Nobility* and *Clergy* declin'd this *Romantick Adventure* against the *Laws*, a *Press* goes forth upon the *Commonalty*; in *Corporations* this was the Word, *Give up the* Penal Laws *or your* Charter, *and Mr. Alderman, lay aside the* Test *or your Fur-Gown*. Nay this diligence descended so low, and grew so minute, that a *blind Alehouse* could not escape the *Questions*; *Why should any one enjoy a* Royal Licence *to draw Ale, that would not stand by the* Prerogative *and* Dispensing Power? Yet after all, the success of this admirable negotiation was so unsatisfactory, that *B. H.* swore to his *Landlord* at *Winchester*, *That the Disobedience of his Brethren of the* Blue Apron *had brought upon them the* Proclamation *against* Debauchery. Nay, so great was the *Condescension*, as not to pass by the very *Goals*:

Where that none might deſpair, the greateſt *Criminals* are firſt taken into *employment*, and made *Regulators* of *Corporations*: and ſurely no wiſe Man can blame this *Conduct*; for it muſt be confeſs'd, that there can be no *Inſtruments* more proper to take away *Penal Laws* than theſe, whom ſuch kind of *Laws* had put in *dread* of their *Lives*: and Sir *N. B.* paſſing by a *Priſon Grate*, and hearing the *Priſoners* cry for *Alms*, is ſaid to have turn'd and given this *Word* of *Comfort*, *That if they would give their Mouths againſt the* Penal Laws *and the* Biſhops, *they ſhould be all made Freemen of* London: And why ſhould we doubt it, ſince a *Blind Beggar* is already made *Free* of *Cambridg*.

In the laſt place, the *Proteſtant Diſſenters* are invited to take their *full Revenge* of the *Church* of *England*, and of thoſe *Penal Laws* by which they had *ſuffered* ſo much; and to induce them to this; the *old Sores* are rubb'd hard, and their *Sufferings* aggravated to the higheſt point. Yet to let them ſee that they are but *mock'd* by this *counterfeit Compaſſion*, the very Men who are now the moſt forward in rendering their *former Hardſhips* ſo invidious, were the *chief Authors* of their *Proſecution*. And I am ſure that ſome of the *Diſſenters* may ſtill remember by whoſe *inſtigation* it was, that their *Behaviour* was ſometimes raiſed higher than became *Perſons* obnoxious to the *Laws*, who promis'd to *abett* them; and when by this *Artifice* they had been drawn to *provoke* they were abandon'd, and the *Church-Men* enjoyn'd to *proſecute* with the *utmoſt Rigor*: and the *Diſſenters* ſome years ago ſeem'd to be ſo ſenſible of this *Juggle*, that they had reſolved to put the *Dice* upon the *Jugglers themſelves*, and were within a point of having their *revenge* upon their *falſe Friends*, and in all probability they had effected it, if they had not been betrayed to the *Court* by their *chief Leaders* and *Confidents*, and diverted from the purſuit of *Popery*, by being ſet upon the *Church* of *England*; if they will call to mind in what manner *Hales* and *Buttler*, and others, went in and out among them in thoſe days of *darkneſs* and *diſguiſe*, they will eaſily underſtand what I ſay. But to return from this *digreſſion*: The *Diſſenters* are now *courted* to take off the *Laws*, and the better to inable them, they are put into *Employments* in *Corporations*, and made *Juſtices* of the *Peace*, and are intruſted with juſt ſo much *Power* as may enable them to *betray* their *Country* and the *Proteſtant Religion*; but the *Papiſts* who are *mixed* with them, and from whom they muſt take their *directions*, will take care they ſhall do *no ſervice*, but for *Popery*: Nay, for all this *fair Countenance* that is now towards the *Diſſenters*, ſome of their *Friends* of the *red Letter*, when their hearts were open with *Wine* or *Vanity*, have not ſtuck to declare, that this *Favor* to the *Diſſenters* was but a *temporary Act*, and a thing only of *preſent Oeconomy*: And the Son of a certain *Mayor* of the *new regulation*, blab'd out unwarily this *dangerous Secret*; *That the new Members of that Corporation were not to be of long continuance, but to be kick'd out as ſoon as they had ſerv'd the preſent Turn*; that is, as ſoon as they had choſe *Parliament Men* to *repeal* the *Penal Laws* and the *Teſt*. Now whether ſuch *intimations* as theſe, or a more *commendable*

mendable Principle hath induc'd many of the *Diſſenters* to refuſe to give up the *Eſtabliſh'd Religion*, and the *Laws* that ſecure it againſt the *inundation* of *Popery*, and made the bulk of that *Party* doubtful and in ſuſpenſe about that matter; ſo it is, that the *practices* upon that *ſort* of *Men* have not met with all the ſucceſs that **Penn**, and **Lob**, and **Buttler**, had promis'd the *Roman Catholicks*.

Beſides theſe *private Applications* to particular Perſons, or to the ſeveral *Perſwaſions* among us, ſome *Writers* of *great note*, undertook to convince the *World* of the *neceſſity* and *reaſonableneſs* of *taking away* the *Penal Laws* and *Teſts*. And tho theſe *Undertakers* wanted neither *ability* nor *integrity* anſwerable to the *goodneſs* of the *Cauſe*, yet after all their *pains*, the *generality* of Men remain *unſatisfied*. **Talgol** *the Great*, is ſaid to have exerciſed his *Style* upon this occaſion, and no Man ſurely can be ſo unreaſonable as to *ſuſpect* his *Integrity* in this matter, he is *too much* concern'd in the *Penal Laws*, to *prevaricate* in drawing up a *Charge* againſt them: For is it not theſe *Penal Laws* that *reſtrain* Men and Women from *loving* one another as much as Nature has allow'd? A *Father* cannot *love* his own dear *Child*, as well as his *Wife* or his *Concubine* for theſe *peeviſh* and *ungodly Laws*, a Man can ſcarce ſpeak a free word of *Religion* in his drink, but he muſt fall ſtrait under the *Laws*: Since therefore they are ſo *grievous* to fleſh and blood, why ſhould any *ſuſpect* this *Author* as *not hearty* in this *affair*; beſides, ſince the *modeſty* of that *great Man* ſubmits all his *Labors* to the *inſpection* of **Father Petre**, he cannot in any reaſon lie any longer under *ſuſpicion* of *unfaithfulneſs*, and had he us'd this method from the beginning, *the Ulcers of the Church of* Rome, of which he once *unwarily* ſpoke, had never appear'd in his *Writings*, nor had he ever been *guilty* of ſo *ſcandalous* an *intimation* as this, *That the* Roman Church *was a Strumpet, and fallen under the evil Diſeaſe incident to Proſtitution*: But I hope *later Services* have taken off that *blot*, and give me encouragement to make an humble requeſt in his behalf; that in *conſideration* of his *Services*, thoſe who have *power* at *Court* would procure him, not the *Arch-Biſhoprick* of *York*, for that might *embroil* him with **Father Petre**; but a *gracious Repeal* of the late *Proclamation* againſt *Debauchery* and *immoderate Drinking*.

In the next place Friend **Penn**, who has had long *commerce* with *Rome*, and *ſhares* as much as any *Subject* in the *merits* of the *Holy Society* of *Jeſus*, was ſtir'd up by his *new Spirit*, to *perſwade* the *Nation* to part with the *Penal Laws* and *Teſts*: It cannot be doubted that he is as much in *earneſt* in this *Cauſe* as **Father Petre** himſelf, and for *ability* is generally thought to be much before him; yet after all his *faithful Endeavour*, men are much *diſſatisfied*, becauſe they cannot *reconcile* this *new Spirit* with the *old*. For when the *Popiſh Plot* was in *credit*, Friend **William** was poſſeſſed with ſuch a *jealouſie* of *Popery*, that he *publiſh'd*, according to the *Light* then dwelling in him, *That Papiſts had forfeited all right of being believed, that they were incapable of Toleration, becauſe they could give no Security of their good Behaviour; and tho they ſhould offer a Toleration, they were not to be truſted*,

truſted, becauſe it was againſt their principle to keep their Faith with Hereticks. Dear Friend **William**, how ſhall we reconcile theſe things with the *new Expedient*? How is it that *ſweet* and *bitter* proceed from the ſame *Fountain*? And ſince theſe *Lights* lead different ways, for Gods ſake tell us which we ſhall follow.

Many other *Writers* of *leſſer Note*, ſhew'd their *good Will* and *Learning* upon this great *Subject*, and gave the *Penal Laws* ſuch *hard Names*, as *Draconica*, *Cannibal*, *Blood-ſucking*, *Sanguinary*, *Barbarous*, *Inhuman*, &c. that a *Serjeant* of the *laſt Call* is ſaid to be ſo far *tranſported*, as to *tear* all thoſe *Acts* out of his *Statute-Book*, when he had firſt of all deſired a *Friend* to ſhew him which they were. But of all that have *ſignalliz'd* themſelves by their *oppoſition* to the *Penal Laws* and *Teſts*, commend me to the *Reverend Judges*, who in theſe *Circuits* have done *wonders*, and *aſtoniſhed* all the *Kingdom*. The *Atchievments* of theſe *Knights Errants*, deſerve a particular *Relation*, and I hope they themſelves will pleaſe ſo far to *comply* with the *publick Curioſity*, as to permit their ſeveral *Charges* to be *printed*, and by this means make ſome *amends* for the *diſappointment* of the *World*, which has waited ſo long *in vain* for the *Biſhops Tryal*: In the mean time who can paſs by **Alibone** *the Wiſe*, who in his *Charge* recommended to the *Country* the *Belief* of *Tranſubſtantiation*, and what is almoſt as *repugnant* to *common ſenſe*, he *maintain'd* that the *Biſhops Petition* was a *Libel*: It was kindly done of a *Popiſh Judge* to take the pains to recommend *Proteſtant Biſhops* to the *Eſteem* of the *Country*, by expreſſing his *Indignation* againſt them in ſo high a meaſure; ſurely every *Proteſtant* would be apt to believe that thoſe *Biſhops* had given ſome *notable Check* to the *progreſs* of *Popery*, that ſhould occaſion this *pretended Judg* to be ſo much *inrag'd*. After the *Biſhops*, he fell unmercifully upon the *Laws*, and ſaid many things againſt them of as much *weight* as his *Commiſſion*; but ſome of the *Gentlemen* preſent thought all this *Harangue* very impertinent; for they were of opinion, that his *ſitting* upon that *Bench*, took away the *Laws* more effectually than all the *Reaſons* he could alledg againſt them. What ſhall we do now the *Laws* and *Judges* are ſo deſperately faln out? When the *Laws* are againſt the *Judges*, what wonder is it if the *Judges* are againſt the *Laws*? *Tyburn* had of old the *Right* and the *good Fortune* of ending ſuch *Controverſies* by ſilencing the *Judges*, and I do not deſpair but this may expire together the *Revilers* of our *Laws* under the ſame *fatal Tree*, which without imputation of *Superſtition*, I may I hope, thus accoſt in Verſe:

Old Reverend Tripos, Guardian of the Law,
Sacred to Juſtice, Treaſons greateſt awe:
Do thou decide the Nations weighty Cauſe,
And judg between the Judges and the Laws.
So ſhall no guiltleſs Blood thy Timber e'er pollute,
And righteous Laws ſhall vouch all thou ſhalt execute.

FINIS.